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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH EAST MEDICAL SERVICES, INC., Plaintiffs, v. CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES AGENCY, STATE OF CALIFORNIA, et al., Defendants.	CASE NO. CV-10-2433-RS STIPULATION TO RELATE CASES AND TO CONTINUE CASE MANAGEMENT CONFERENCE AND HEARING ON MOTION TO DISMISS.
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STIPULATION

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WHEREAS, on October 13, 2010, counsel for Plaintiff filed a complaint entitled *La Clinica De La Raza, Inc. v. California Department of Health Care Services, et al.*, N.D. Ca. No. CV 10 4605 ("Clinica action") that was assigned to Magistrate Judge Laurel Beeler. The Clinica action raises the same issues that are before this Court in the above entitled action. The plaintiff in the Clinica action, like the plaintiff in the above entitled action, is a nonprofit corporation created pursuant to section 330 of the federal Public Health Service Act (42 U.S.C.

1 § 254b) and the defendants in both actions are identical.

2 AND WHEREAS, the parties hereby stipulate that the *Clinica* action should be deemed
3 related to the above entitled action and be assigned to this Court. Specifically, pursuant to
4 Local Rule 3-12(b), the parties agree that both actions concern substantially the same parties,
5 property, transactions or events in that both actions contain the same claims, the same
6 defendants, and similar plaintiffs. Moreover, it appears likely that there will be an unduly
7 burdensome duplication of labor and expense or conflicting results if the cases are conducted
8 before different Judges.

9 AND WHEREAS, pursuant to Stipulation and Order filed on September 8, 2010, the
10 parties advised this Court that such a related action would be filed and as requested this Court
11 continued the hearing on the Defendants' Motion to Dismiss and the Case Management
12 Conference to January 6, 2010 at 1:30 p.m.

13 AND WHEREAS, counsel for Defendants will need time to determine if a Motion to
14 Dismiss will be filed in the *Clinica* action.

15 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs North East
16 Medical Services, Inc. and La Clínica De La Raza, Inc. and Defendants California Department
17 of Health Care Services Agency, State of California; David Maxwell-Jolly, Director of Health
18 Care Services, Health and Human Services Agency, the State of California; and the State of
19 California, through their respective counsel, that:

20 1. The *Clinica* action shall be related to the above entitled matter and assigned to
21 the Honorable District Court Judge Richard Seeborg.

22 2. Counsel for Defendants shall accept service of the summons and complaint in
23 the *Clinica* action and shall have until December 17, 2010 to file a response respond by way of
24 answer or motion to dismiss.

25 3. The hearing on the Motion to Dismiss and the Case Management Conference in
26 the above entitled action currently set for January 6, 2011 at 1:30 p.m. shall be continued to
27 February 3, 2011 at 1:30 p.m. and Plaintiff North East Medical Services, Inc.'s Opposition to
28 the Motion to Dismiss will be filed on or before December 1, 2010.

4. The initial Case Management Conference in the *Clinica* action shall be held on February 3, 2011 at 1:30 p.m. If counsel for Defendants files a Motion to Dismiss in the *Clinica* action that motion shall also be heard on February 3, 2011 at 1:30 p.m.

Dated: November 1, 2010

Edmund G. Brown Jr.
Attorney General of California

By: Sarah Kurtz
Deputy Attorney General
Attorneys for Defendants
California Department of Health Care Services
Agency, State of California;
David Maxwell-Jolly, Director of Health Care
Services, Health and Human Services Agency
State of California; and the State of California

Dated: November 4, 2010

FELDESMAN TUCKER LEIFER FIDELL LLP
LAW OFFICES OF ROBERT F. KANE

By: Robert F. Kane
Attorneys for Plaintiffs
North East Medical Services, Inc. and
La Clinica De La Raza, Inc.

Pursuant to stipulation, it is so ordered.

November 10, 2010

RICHARD SEEBORG
United States District Judge